

RESOLUTION NO. A-_____

SPECIAL PERMIT NO. 1629F

1 WHEREAS, Duteau Investment Company has submitted an application
2 designated as Special Permit No. 1629F for authority to amend Special Permit No. 1629
3 to adjust the side yard setback from 50 feet to 25 feet to allow vehicles to be displayed for
4 sale and for no other uses on property located at the southeast corner of South 27th Street
5 and Porter Ridge Drive, and legally described to wit:

6 Lot 1, Block 1, Porter Ridge West 4th Addition, Lincoln,
7 Lancaster County, Nebraska, except a portion of Lot 1, Block
8 1, Porter Ridge West 4th Addition, more particularly described
9 as follows:

10 Beginning at the northwest corner of said Lot 1, said corner
11 being located at the intersection of the easterly 60 foot right-of-
12 way of 27th Street and the southerly 40 foot right-of-way line of
13 Porter Ridge Road; thence southerly along the west line of said
14 Lot 1, a distance of 25.0 feet; thence northeasterly, a distance
15 of 35.4 feet, more or less, to a point on the north line of said
16 Lot 1 located 25.0 feet easterly from the northwest corner as
17 measured along said north line; thence westerly along said
18 north line a distance of 25.0 feet to said northwest corner and
19 the point of beginning;

20 WHEREAS, the real property adjacent to the area included within the site plan
21 for these additional ground signs will not be adversely affected; and

22 WHEREAS, said site plan together with the terms and conditions hereinafter
23 set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code
24 to promote the public health, safety, and general welfare.

25 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
26 Lincoln, Nebraska:

1 That the application of Duteau Chevrolet Subaru, hereinafter referred to as
2 "Permittee", to adjust the side yard setback from 50 feet to 25 feet to allow vehicles to be
3 displayed for sale, on the property legally described above, be and the same is hereby
4 granted under the provisions of Sections 27.63.470 of the Lincoln Municipal Code upon
5 condition that the display of vehicles for sale be in strict compliance with said application,
6 the site plan, and the following additional express terms, conditions, and requirements:

7 1. This permit approves an adjustment to the side yard setback from 50
8 feet to 25 feet for the display of vehicles for sale along the east lot line.

9 2. Before receiving building permits:

10 a. The Permittee must submit five copies of the final plan.

11 b. The construction plans must conform to the approved plans.

12 3. Before construction this commercial use, all development and
13 construction must be completed in conformance with the approved plans.

14 4. All privately-owned improvements, including landscaping, shall be
15 permanently maintained by the owner or an appropriately established property owners
16 association approved by the City Attorney.

17 5. The site plan approved by this permit represents the official approved
18 permit, and shall be the basis for all interpretations of setbacks, yards, locations of
19 structures, location of parking and circulation elements, etc.

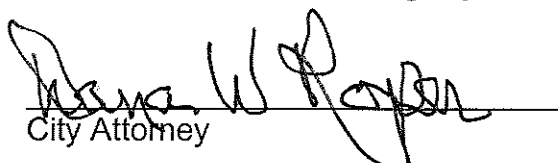
20 6. The terms, conditions, and requirements of this resolution shall be
21 binding and obligatory upon the Permittee, its successors, and assigns. The building
22 official shall report violations to the City Council which may revoke the special permit or
23 take such other action as may be necessary to gain compliance.

1 7. The Permittee shall sign and return the City's letter of acceptance to
2 the City Clerk within 30 days following approval of the special permit, provided, however,
3 said 30-day period may be extended up to six months by administrative amendment. The
4 City Clerk shall file a copy of the resolution approving the special permit and the letter of
5 acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the
6 Permittee.

7 8. The site plan approved by this resolution voids and supersedes all
8 previously approved site plans, however all resolutions approving previous permits remain
9 in force unless specifically amended by this resolution.

Introduced by:

Approved as to Form & Legality:


City Attorney

Approved this ____ day of _____, 2005:

Mayor

